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THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER,

Plaintiff,

v.

JOSHUA MOON, et al.

Defendant.

**MOTION FOR A SCHEDULING
ORDER OR CONFERENCE**

Case No. 2:20-cv-00647-DBB

District Judge David Barlow
Magistrate Judge Cecilia M. Romero

NOW COME the Defendants, by and through their undersigned counsel, and move for imposition of a scheduling order, or alternatively for a telephonic scheduling conference, in this case. In support of this Motion, Defendants state as follows:

- 1) This case was reversed and remanded by the Tenth Circuit, with the mandate issuing on December 12, 2023. ECF No. 53. On December 13, 2023, the formerly-assigned U.S. District Judge issued an Order of Recusal. ECF No. 54.
- 2) Approximately three years ago, on December 30, 2020, this Court ordered the Plaintiff to propose a schedule for further proceedings within 28 days of service of the underlying Complaint. ECF No. 12. That proposed schedule appears never to have been circulated or filed.
- 3) No deadlines currently appear to be in place in this matter.

- 4) Although the 10th Circuit's opinion required further proceedings in this Court, the 10th Circuit did not elaborate on the nature of such proceedings or impose a schedule for such proceedings. Nor does such a schedule appear to be found in any standing order or elsewhere.
- 5) Defendants retained undersigned counsel to appear in this Court on approximately November 1, 2023, and undersigned counsel is therefore new to this case. Undersigned counsel therefore anticipates some time may be necessary to familiarize himself with the full record of proceedings and file any necessary or appropriate motion or pleading on the Defendants' behalf.
- 6) Undersigned counsel reached out to Mr. Greer's appellate counsel, who had previously expressed some anticipation of scheduling further proceedings and their continued representation of Mr. Greer, but was informed that Mr. Greer is no longer represented by the Digital Justice Foundation and is now acting pro se. Undersigned counsel is given to understand that no counsel will be appearing for Mr. Greer in this Court, and cannot therefore confer with any counsel for the Plaintiff with respect to scheduling or otherwise.
- 7) Defendants respectfully submit that this Court should require Mr. Greer to file a proposed schedule for further proceedings in this matter, to include the deadline for any supplemental or responsive pleadings or motions, within 28 days. This would essentially reimpose an order which was originally issued in this case on December 30, 2020 at ECF No. 12, with which the Plaintiff has not complied.

8) Alternatively, Defendants request that this Court hold a telephonic status and/or scheduling conference for the purpose of scheduling further proceedings. Defendants submit that in light of undersigned counsel's hectic schedule in January 2024 (which involves numerous appearances on the East Coast), and the upcoming New Year's holiday, a conference in February, 2024 would be appropriate.

DATED December 26, 2023.

HARDIN LAW OFFICE

/s/ Matthew D. Hardin

Matthew D. Hardin

Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion was filed via CM-ECF this 26th day of December, 2023, which provided service upon all counsel of record. Additionally, I mailed a copy of the foregoing to the Defendant, whom I am now given to understand is acting pro se, at:

Russell Greer
P.O. Box 46602
Las Vegas, NV 89114

/s/ Matthew D. Hardin

Matthew D. Hardin